

City of South Bend
Council Meeting
Monday, November 28, 2016 @ 5:30 pm
Council Chambers
1102 W. First Street, South Bend, WA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda and Consent Agenda
Approval of Minutes: *November 14, 2016 Regular Meeting*
4. Correspondence
5. *Public Hearing @ 5:35 pm – Central Street Sewer Improvement Project*
Closeout
6. *Ordinance #1517 – Adoption of 2017 Budget (Second Reading)*
7. *Ordinance #1518 – Garbage Rate Increase (Second Reading)*
8. *Council Position #1*
9. Items from the Public **(3 Minute Limit)**
10. Department Head Reports:
 - i) Police Chief Eastham
 - ii) City Supervisor Houk
 - iii) Clerk/Treasurer Roberts
 - iv) Fire Department
11. Mayor's Report
12. Council Comments
- 13. Executive Session – Potential Litigation & Labor Negotiations*
14. Adjournment

Next Regular Meeting: Monday, December 12, 2016 @ 5:30 PM

South Bend Council Meeting

Monday, November 28, 2016

CONSENT AGENDA

1. Approval of Vendor Checks

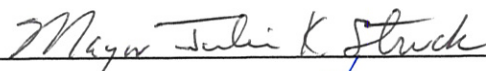
Vendors – Check #42534 thru Check #42561 - \$71,067.41

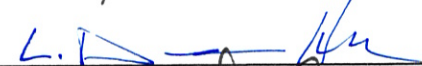
11/28/16


VENDOR	AMOUNT	
42534 Ashley Construction, Inc.	\$1,533.60	Professional Services - Streets \$259.20 and Sewer \$1,274.40
42535 City of Raymond	\$ 13,183.45	RWWTP M & O - October 2016
42536 Crystal Springs	\$ 38.83	Water Service
42537 Databar	\$ 116.01	W-2 and 1099 Forms
42538 Dave Eastham	\$ 31.00	Per Diem - BAC Training 12/1/16
42539 Dave Williams	\$ 650.00	Parks Caretaker - November 2016
42540 Dept of Ecology	\$ 25,246.27	Sewer Loan Payment - I & I Rehab (Next Payment 6/2017 - Payoff 2024)
42541 Dept of Licensing	\$ 36.00	Concealed Pistol License Renewals
42542 Evoqua	\$ 696.00	Operating Supplies -Water Fund
42543 Flannery Publications	\$ 346.72	Legal Notices
42544 Galls, LLC - DBA Blumenthal Uniform	\$ 593.28	Operating Supplies - Police Dept
42545 Golden West Industrial Supply	\$ 342.16	Repair/Maintenance - Police Dept
42546 Gray & Osborne, Inc.	\$ 9,670.50	Professional Services - WTP Upgrade \$8,751.04 and Fliess Creek Source Development \$919.46
42547 HB Portables	\$ 85.00	Portable Toilet - Boat Launch 10/1-10/28/16
42548 Jace Ekman	\$ 200.00	Assist at Water Treatment Plant - 10/15-10/16/16
42549 Jeremy Foust	\$ 212.00	Janitorial - November 2016
42550 Nancy McAllister	\$ 650.00	Municipal Court Public Defender - November 2016
42551 Nationwide Retirement Solutions	\$ 50.00	Municipal Court Public Defender - November 2016
42552 Oregon Corrections Enterprises	\$ 49.00	Signs - Street Fund
42553 Pacific County Sheriff's Office	\$ 255.00	Jail Services - October
42554 Pacific County Treasurer	\$ 11,825.59	2nd of 3rd Installment - Dispatch Radio Equipment (Interlocal Agreement)
42555 Rita Gee	\$ 323.40	Reimbursement - Building Permit Overpayment
42556 Staples	\$ 72.34	Office Supplies - City Hall
42557 The Willapa Harbor Herald	\$ 39.00	Annual Willapa Harbor Herald Renewal
42558 Tierney & Blakney, PC	\$ 3,348.30	Legal Services - RWWTP (Split with City of Raymond)
42559 U.S. Cellular	\$ 51.14	Auto Dialer for Pump Station
42560 Vision Forms LLC	\$ 642.82	Statement Automation (October)
42561 William Penoyar	\$ 780.00	Municipal Court Prosecutor - November 2016

TOTAL

\$71,067.41


 _____ Mayor Struck


 _____ City Supervisor Houk


 _____ Police Chief Eastham

**CITY OF SOUTH BEND
COUNCIL MEETING – 11/14/16**

1-2. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The council meeting was called to order by Mayor Struck at 5:30 pm followed by the Pledge of Allegiance. Members present: Councilor Olsen, Councilor Williams, Councilor Neve, Councilor Webber, Councilor Hall, Police Chief Eastham and Clerk/Treasurer Roberts. City Supervisor Houk was absent.

3. APPROVAL OF AGENDA, CONSENT AGENDA AND APPROVAL OF MINUTES

A motion was made by Councilor Neve to approve the Agenda, the Consent Agenda and the minutes of the October 12, 2016 budget workshop & October 24, 2016 regular meeting. The motion was seconded by Councilor Webber. **Vote: Ayes-5, Noes-0, Absent-0**

Vendors – Check #42470 thru Check #42533 - \$152,811.55

Check #42351 Void and Replaced with Check #42469

Check #41857 Void and Replaced with Check #42471

Payroll – Check #24132 thru Check #24146 - \$106,743.59 including Direct Deposit

4. CORRESPONDENCE – NONE

5. COOPERATIVE DEVELOPMENT & USE AGREEMENT – CITY OF SOUTH BEND/SOUTH BEND SCHOOL DISTRICT

Mayor Struck presented the Cooperative Development & Use Agreement between the City of South Bend and the South Bend School District. The master plan will include the South Bend School Districts development and administration of the athletic fields at Cheney Park (Community Park) which will be used for district training and athletic purposes. Mayor Struck introduced South Bend School Superintendent Jon Tienhaara who was in the audience to answer questions if needed. Councilor Neve questioned Item #1 of Exhibit "A" – *Site will not require dewatering*. A brief discussion followed explaining that this would only be field work, no construction and was a draft proposal between the contractor and the school district, not the city. Councilor Neve wanted her concerns about dewatering noted. Councilor Hall asked if Craig Hansen wrote the agreement and he was advised by Mr. Tienhaara that yes, Mr. Hansen wrote the agreement. Clerk/Treasurer Roberts noted that the agreement was reviewed by the city's insurance carrier, Association of Washington Cities as well as the city attorney and both found the agreement to be acceptable. Councilor Hall questioned item #E on page 2, user fees. Councilor Hall asked who would be the keeper of those fees and Mr. Tienhaara advised that whatever worked best for both entities was fine with him. Mayor Struck explained that because the district would be doing most of the maintenance it seemed logically that the district would maintain the user fee fund. The city would still rent out the pavilion and get those fees. Councilor Williams wondered if the people who rented the pavilion would still have access to the field. Mr. Tienhaara explained that the field would be fenced but their plan is not to keep people out and the district would be more than willing to work with the city to allow and provide access to the field if renters of the pavilion wanted to use it. Councilor Hall suggested that on Page 4, Item #4 three words should be added at the end of the sentence to read *...during school events*. After a brief discussion it was agreed to add those three words to the agreement. Councilor Williams felt like the agreement was a great idea and the rest of the council agreed.

A motion was made by Councilor Williams to authorize Mayor Struck to sign the Cooperative Development & Use Agreement between the City of South Bend and the South Bend School District with the amended wording on Page 4, Item #4 *...during school events*. The motion was seconded by Councilor Olsen. **Vote: Ayes-5, Noes-0, Absent-0**

6. PUBLIC HEARING @ 5:41 PM – 2017 CITY OF SOUTH BEND FINAL BUDGET

Mayor Struck opened the public hearing at 5:41 pm. There was no public in attendance. The public hearing was closed at 5:41 pm.

7. ORDINANCE #1515 – 2017 PROPERTY TAX LEVY (SECOND READING)

Councilor Neve made a motion to accept Ordinance #1515 – 2017 Property Tax Levy as presented. The motion was seconded by Councilor Olsen. Vote: Ayes-5, Noes-0, Absent-0

8. ORDINANCE #1517 – ADOPTION OF 2017 BUDGET (FIRST READING)

Councilor Hall made a motion to move Ordinance #1517 – Adoption of 2017 Budget to a second reading. The motion was seconded by Councilor Williams. Vote: Ayes-5, Noes-0, Absent-0

9. ORDINANCE #1518 – GARBAGE RATE INCREASE (FIRST READING)

Mayor Struck presented Ordinance #1518 – Garbage Rate Increase for its first reading. Councilor Neve would like assurances that this won't be revisited again in a year or two with another increase. Mayor Struck explained that this as well as the other enterprise fund ordinances need to be revisited yearly and increased based on the Consumer Price Index (CPI) which is written into each of the ordinances instead of waiting until funds are so depleted that they require large increases to bring them back in line. It was questioned why that had not been done in the past and Clerk/Treasurer Roberts explained that she had brought ordinances to the council in years past with the CPI increase and it was not well received so she stopped doing it.

Councilor Neve made a motion to move Ordinance #1518 – Garbage Rate Increase to a second reading. The motion was seconded by Councilor Williams. Vote: Ayes-5, Noes-0, Absent-0

10. THREE RIVERS MOSQUITO & VECTOR CONTROL AGREEMENT (2017-2020)

Mayor Struck presented the Three Rivers Mosquito & Vector Control Agreement. Mayor Struck explained that it is only a \$2,000 a year increase over the previous three year contract and thinks that it is a very fair agreement. The mosquito situation has improved dramatically over the last three years due to his tenacity. Councilor Neve noted that was not the case in all areas. Mayor Struck pointed out that complete mosquito eradication is not possible and there are some areas that will never be where the city would like them to be as far as mosquito control, but Three Rivers Mosquito & Vector Control works hard to improve all of the areas he can.

Councilor Hall made a motion authorizing Mayor Struck to sign the Client Agreement with Three Rivers Mosquito and Vector Control for 2017-2020. The motion was seconded by Councilor Olsen. Vote: Ayes-5, Noes-0, Absent-0

11. ITEMS FROM THE PUBLIC – NONE

12. DEPARTMENT HEAD REPORTS

Police Chief Eastham announced that new hire Officer Gonzalez is now at the academy for the next

- Police Chief Eastham announced that new hire Officer Gonzalez is now at the academy for the next five months and is expected to do well. Police Chief Eastham also gave a brief update of his department's happenings.
- Clerk/Treasurer Roberts reported that the State Auditor would be on site starting Tuesday, November 15th. She wasn't sure how long they would be at the city, but she guessed probably about two weeks total. She noted that this is a very late audit as they usually show up around July or August.

13. MAYOR'S REPORT

- ✚ Mayor Struck requested the council's permission to cancel the last meeting of December as it would be held on Wednesday, December 28, 2016 since Monday, December 26th is a holiday. Council Neve made a motion cancelling the last council meeting in December (December 28th). The motion was seconded by Council Olsen. **Vote: Ayes-5, Noes-0, Absent-0**
- ✚ Mayor Struck gave preliminary congratulations to Councilor Olsen for what appears to be a win for County Commissioner!
- ✚ Mayor Struck thanked Councilor Hall for filling in for her as Mayor Pro Tem two meeting ago (October 10, 2016)
- ✚ Mayor Struck explained that she recently received a phone call from the South Bend Baptist Church regarding a rodent problem. Mayor Struck wondered what, if anything the city could do. It was suggested that maybe a neighboring property was causing the problem. Councilor Neve noted that the Lutheran Church has not had any problems whatsoever which is relatively close to the Baptist Church. Councilor Hall didn't think it fell to the city for resolution unless the cause was from a nuisance property. Police Chief Eastham felt that there were probably at least two residences in that area that are storing garbage in their garage or next to their house. Police Chief Eastham advised that he would address the garbage issues that he could "see" and work on getting rid of the known collectors of garbage.

14. COUNCIL COMMENTS

- Councilor Olsen submitted her verbal resignation from council position #1 effective December 31, 2016.
- Councilor Olsen invited everyone to attend the Raymond Lighted Christmas Parade on Saturday, December 3rd at 6pm.
- Councilor Williams congratulated Councilor Olsen on her win as County Commissioner.
- Councilor Williams suggested that Councilor Olsen contact Lonnie Bessonette who works for Bayview Redi Mix, but lives in South Bend. He is the one that decorates the concrete truck with lights each year for Christmas. Councilor Olsen thanked him for the tip.
- Councilor Neve reminded everyone about South Bend's Christmas Tree Lighting and the arrival of Santa along with his helpers Mickie and Minnie Mouse on Friday, December 2nd at 6 pm at the city dock (next to the Elixir). There will be gift bags for the kids! It was asked if there would be a boat parade this year and Councilor Neve advised that no, there will not be a boat parade.
- Councilor Webber also congratulated Councilor Olsen on her win as County Commissioner.
- Councilor Hall similarly congratulated Councilor Olsen on her win as County Commissioner.
- Councilor Hall noted that the Emergency Management Services (EMS) Levy which the district is required to run each year passed by over 64% (60% passage is required).
- Councilor Hall pointed out that he was gone for two weeks starting October 24th and when he left there were envelopes at the boat launch but he forgot to ask Police Chief Eastham to replenish them as needed. When he returned from vacation the envelopes had ran out, but it appeared only a few days before his return – maybe the 12th. He noted that people still paid even though there were no envelopes – using pieces of paper or their own envelopes. Councilor Hall was pleasantly surprised.

15. ADJOURNMENT

The meeting was adjourned at 6:05 PM to meet again at 5:30 PM on Monday, November 28, 2016 for the next regularly scheduled meeting at South Bend City Hall.

Julie K. Struck
Mayor

ATTEST: _____
Dee Roberts
Clerk/Treasurer

Draft

NOTICE OF PUBLIC HEARING
CITY OF SOUTH BEND
CENTRAL STREET SEWER IMPROVEMENT PROJECT

The City of South Bend is holding a public hearing to inform its residents and businesses that it has completed the Central Street Sewer Improvement Project required under WAC 246-290-100. Funding for this project was received through the Community Development Block Grant (CDBG) Program.

Notice is hereby given that a public hearing will be held by the City of South Bend in Council Chambers at the South Bend City Hall located at 1102 W. First Street, at the hour of 5:35 PM on Monday, November 28, 2016.

The purpose of the public hearing is to review final project performance on the Central Street Sewer Improvement Project funded by CDBG and to discuss and answer questions regarding the water system.

The Council Chambers is handicap accessible. Arrangements to reasonably accommodate special needs, including handicap accessibility or interpreter, will be made upon receiving twenty-four (24) hour advance notice. Written comments/requests may be submitted to the City Council in care of the:

Clerk/Treasurer's Office
City of South Bend
P.O. Drawer 9
South Bend, Washington 98586-0009
Phone: (360) 875-5571
Email: dee.roberts@southbend-wa.gov

Publish: November 23, 2016

ORDINANCE #1517

**AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF SOUTH BEND,
WASHINGTON, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017**

WHEREAS, the Mayor of the City of South Bend, Washington completed and placed on file with the City clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond redemption and interest, reserve funds and expenses of government of said City for the fiscal year ending December 31, 2017, and a notice was published that the Council of said City would meet on the 14th of November, 2016 at the hour of 5:40 PM, at the Council Room in the City Hall of said City for the purpose of making and adopting a budget for said fiscal year and giving taxpayers within the limits of said City an opportunity to be heard upon said budget; and

WHEREAS, the said City Council did meet at said time and place and did then consider the matter of said proposed budget; and

WHEREAS, the said proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of South Bend for the purposes set forth in said budget, and the estimated expenditures set forth in said budget being all necessary to carry on the government of said City during said period.

NOW THEREFORE, the City Council of the City of South Bend, Washington do ordain as follows:

The budget for the City of South Bend, Washington for the year 2017 is hereby adopted per the attached document entitled *City of South Bend, 2017 Budget*. Estimated resources, including fund balances or working capital for each separate fund of the City of South Bend, Washington and estimated expenditures for all funds combined, for the year 2017 are set forth in the attached summary and are appropriated for expenditure during the year 2017.

The City Clerk is directed to transmit a certified copy of the budget hereby adopted to the Division of Municipal Corporations in the Office of State Auditor and to the Association of Washington Cities.

INTRODUCED this 14th day of November, 2016 **AND PASSED** on the 28th day of November, 2016 by the following vote:

Ayes –

Noes –

Absent –

Julie K. Struck, Mayor

AUTHENTICATED BY: _____
Dee Roberts, Clerk/Treasurer

Publish: 12/07/16

ORDINANCE #1518

**AN ORDINANCE FOR THE CITY OF SOUTH BEND, WASHINGTON
AMENDING PORTIONS OF CHAPTER 8.20 – GARBAGE OF THE CITY OF
SOUTH BEND'S MUNICIPAL CODE**

WHEREAS, the City of South Bend, Washington Garbage and Refuse collection service is a public utility operated by the City for its citizens, and

WHEREAS, the City Council is required to set rates for garbage collection at a level adequate to operate, maintain and replace necessary equipment,

**THE CITY COUNCIL OF THE CITY OF SOUTH BEND, WASHINGTON DO
ORDAIN AS FOLLOWS:**

Section 8.20.120 Rates – Shall be *amended* as follows:

The monthly charges for Garbage service in the City of South Bend shall be as follows, and will be adjusted by an inflation factor equal to 100% (one hundred percent) of the U.S. Consumer Price Index on the January 1st billing for each ensuing year unless the City Council deems otherwise:

A. Thirty-Two-Gallon or Less Container:

(1) Within 10 feet of surface roadway and not over four feet above roadway grade:

Regular Rate: \$23.50 1st Can \$18.58 each additional can

Senior Rate (62+ years/disabled): \$19.68 1st Can \$16.80 each additional can

(2) Over 10 feet from surface and/or in excess of four feet above roadway grade:

Regular Rate: \$26.18 1st Can \$18.58 each additional can

Senior Rate (62+ years/disabled): \$19.68 1st Can \$16.80 each additional can

(3) Occasional extra units may be charged at the rate of **\$3.77 per unit**; a units being a 32-gallon can, plastic bag or small bundle.

(4) Containers running over 80 pounds shall be assessed a penalty of **\$3.77 per unit**.

(5) Should the residence be unoccupied for four weeks or longer, credit will be given if the resident provides written notice of that fact.

B. Commercial Bulk Container:

Pickup	1 Yard Hopper	1.5 Yard Hopper	2 Yard Hopper
1/Wk	\$80.97	\$112.55	\$141.69
2/Wk	\$130.43	\$190.85	\$241.28
3/Wk	\$190.20	\$269.22	\$341.57
4/Wk	\$245.67	\$360.67	\$440.31
5/Wk	\$299.36	\$425.74	\$539.74

(1) Customers with “on call” dumpsters will be charged a standby fee as follows:

- 1.0-yard hopper - **\$10.90** per week
- 1.5-yard hopper - **\$11.69** per week
- 2.0-yard hopper - **\$15.35** per week

(2) “On call” dumpsters will be charged the following rate each time they are dumped:
1.0 Yard \$13.49, 1.5 Yard \$20.24 and 2.0 Yard \$26.99.

(3) Dumpster Drop Off Fee - **\$40.00**. Fee applies to all customers – Residential and Commercial.

This Ordinance shall become effective five (5) days from date of publication with the prescribed rates first applied to the January 1, 2017 billing (*Mid-November through Mid-December Usage*)

INTRODUCED this 14th day of November, 2016 **AND PASSED** on the 28th of November, 2016 by the following vote:

Ayes –

Noes –

Absent –

Julie K. Struck, Mayor

AUTHENTICATED BY: _____

Dee Roberts, Clerk/Treasurer

Publish 12/07/16

Public Notice

Due to the resignation of Councilor Lisa Olsen, South Bend Council Position #1 is vacant. The South Bend City Council invites all interested parties to submit a letter of interest to the Clerk/Treasurers office by November 25, 2016. The letter should contain why the applicant would like to serve on the South Bend City Council.

The South Bend City Council will conduct interviews and make a selection on December 12, 2016. Interviews will be conducted at 5:30 pm in the South Bend City Council Chambers. If the appointed individual desires to retain Council Position #1 they would have to file with the County Auditor in 2017 to complete the unexpired term (2019).

Dee Roberts
Clerk/Treasurer
City of South Bend

Publish: 11/16 & 11/23

7. The member participating by telephone may ask to be recognized by the mayor to the same extent as any other member.

8. To the extent reasonably practicable, the clerk/treasurer shall provide backup materials to members participating by telephone.

9. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the clerk/treasurer shall attempt to establish or restore the connection; provided, that if the member participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.

10. Meeting times shall be expressed in Pacific Time regardless of the time at the location of any member participating by telephone.

11. Remarks by members participating by telephone shall be transmitted so as to be audible by all members and the public in attendance at the meeting; provided, that in executive session the remarks shall be audible only to those included in the executive session.

12. As used in this subsection (B), "telephone" means any system for synchronous two-way voice communication. (Ord. 1436, 2011; Ord. 1388, 2008; Ord. 1178 § 1, 1992).

2.05.020 Vacancies.

A. A resignation in the office of mayor or councilmember shall be accepted or announced only at an open and regular meeting of the council. The resignation may be oral or in writing. The resignation may be effective for a date in the future of the meeting that it is announced at. In the event that a councilmember is leaving the position due to being elected mayor, the upcoming opening will be announced at an open and regular meeting.

B. Any vacancy created under subsection (A) of this section shall be acted upon in the following order:

1. First regular meeting, read resignation and declare position open. 11/14/16
2. Second regular meeting, reading of names of candidates for opening. 11/28/16
3. Third regular meeting, reading of additional names of candidates and vote for candidates. 12/12/16

C. The council can establish by motion the procedures which it wishes to use to consider the best qualified candidate to fill the opening.

D. The resigning or terminated mayor or councilmember shall not vote on filling the vacancy created by his resignation or termination. The newly selected mayor or councilmember shall be eligible to begin serving immediately.

E. If a mayor or councilmember resigns, is terminated, or dies after an election, the new person elected to that position shall then be appointed to that seat immediately. (Ord. 1410, 2010; Ord. 1068 §§ 1, 2, 3, 1982).

2.05.030 Salaries.

The salaries for councilmembers seated in future elections shall be set at \$120.00 a month. The salary for the mayor shall be \$800.00 per month. (Ord. 1455 § 2, 2012; Ord. 1278, 2002; Ord. 1230 § 2, 1998; Ord. 1214, 1996).

2.05.040 Mayor – General duties.

The mayor shall be the chief executive and administrative officer of the city in charge of all departments and employees. The mayor shall be responsible for faithfully enforcing all laws and ordinances and maintaining

Letter of interest



Wyatt Kuiken

315 Quincy Street

PO BOX 442

South Bend WA, 98586

(360) 875-8097 Home

(360) 208-6904 Cell

To: City Council,

My name is Wyatt Kuiken and I moved from Yakima Valley after 33yrs to South Bend in 2011 to run the SB School District Transportation Department. I have served on the city planning commission for several years. I have also been on the SB Fire Dept. for 4 ½ years and currently serve as the South Bend Fire Captain. My time spent in the community of South Bend has been very pleasant and I feel like one of the locals. I heard the council is in need of a new council member and I would love to have the opportunity to help make a difference in this great community. I believe with my easy going attitude and my get it done personality you will find me to be a great addition to the council. If given the opportunity to serve on the council, I will guarantee the council that I will listen to the needs and concerns of our citizens in the community. I would also look out for the best interest of the city of South Bend. With that said I would be honored to serve on the council and be a part of the community while keeping South Bend a great place for not only my family as well as many other great families in our community.

Thanks,

Wyatt Kuiken